

Uber

Feedback to the
*'Non-competes and other
restraints: understanding
the impacts on jobs,
business and productivity'*
Issues Paper

Uber welcomes the opportunity to provide feedback to the *'Non-competes and other restraints: understanding the impacts on jobs, business and productivity'* Issues Paper, and the consideration of non-compete clauses and related clauses that restrict workers from shifting to better-paying jobs.

Uber's mission is to reimagine the way the world moves, for the better. We started in 2010 to solve a simple problem: how do you get access to a ride at the touch of a button? More than 32 billion global trips later, we're building products to get people closer to where they want to be. By changing how people, food, and things move through cities, Uber is a platform that opens up the world to new possibilities.

The first Uber ride in Australia was taken in 2012, and ever since we have played a significant role in transforming the way Australians move, eat, shop and earn. In fact, more than 150,000 people now earn with the Uber app each month and more than 50,000 Australian merchants are partnered with the Uber Eats platform. In 2023, across the Uber and Uber Eats platforms, Australians earned more than \$4.2 billion driving or delivering with Uber.

Flexibility & Platform Work

Drivers and delivery people using the Uber/Uber Eats app value the flexibility of platform work. This includes the ability to choose when and where to accept a trip. A feature unique to the platform workers in the gig economy is the prevalence of what is known as 'multi-apping'. That is, being online with and accepting gigs via more than one platform at the same time. Through multi-apping, platform workers are able to maximise their earnings, and it can provide income security through diversification.

Survey data shows that nearly half (48%)¹ of platform workers use more than one digital app to earn and can be online with multiple apps at the same time.

Everyone who signs up to drive or deliver for Uber is required to follow [Uber's Community Guidelines](#). These guidelines form part of the contract between the driver or delivery person and Uber. **There is nothing in these guidelines that prevents drivers or delivery people from using more than one platform, nor is there anything that resembles a non-compete clause.**

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<https://www.ipsos.com/sites/default/files/Uber%20Earner%20Preferences%20Australia%20Methodology.pdf>

We note Discussion Question 14 within the paper: Is it appropriate for part-time, casual and gig workers to be bound by a restraint of trade clause? Uber submits that for platform workers engaged by Uber, there are no restraint of trade clauses in place.

Uber has long supported reform that improves benefits and protections for platform workers while preserving the flexibility they love. The uptake of platform work shows it meets a need - and want - of working Australians. With historically low unemployment, there are an abundance of job opportunities including low-skilled and casual options. Yet we still see some of the highest numbers on record of new platform workers onboarding with our platforms every month. Platform work also helps hundreds of thousands of working Australians earn extra income. It is possible that those who are under non-compete clauses from previous employers may in fact be turning to platform work like driving or delivering for Uber in order to supplement their income during that time. Non-compete clauses are antithetical to the inherent flexibility of platform work, and Uber supports a policy environment that preserves this flexibility for gig workers.